

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID PORTNOY,

Plaintiff,

INSIDER, INC., at al.

Defendants.

Civil Action No. 1:22-cv-10197-FDS

PLAINTIFF'S REQUEST FOR RULE 16 SCHEDULING CONFERENCE

Pursuant to Fed. R. Civ. P. 16 and Local Rule 16.1, Plaintiff David Portnoy respectfully request that the Court set a date for an initial scheduling conference on the earliest date and time that the Court is available to discuss a proposed initial limited discovery schedule and related issues. As grounds therefore, Plaintiff states that this defamation action arises from a series of false and defamatory articles published by Defendants which irresponsibly rely on anonymous sources. Based upon an investigation conducted to date, Plaintiff has grounds to believe that some of these sources may have already deleted relevant communications. Plaintiff seeks immediate but limited discovery into these sources so that Plaintiff can identify all of these sources and issue subpoenas in order to ensure that no relevant documents are lost or destroyed. Defendants have waived service and indicated they intend to file a motion to dismiss. Plaintiff seeks to avoid the possible unfair consequences of the delay which will be caused by that process by conducting this limited discovery. Plaintiff has conferred, through counsel, with Defendants, who have indicated they are unwilling to engage in the requested early and limited discovery by agreement.

Respectfully submitted,

For Plaintiff, David Portnoy,
By his attorneys,

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Dated: February 28, 2022

LOCAL RULE 7.1(a)(2) CERTIFICATE

The undersigned counsel certifies that counsel for Plaintiff conferred with counsel for Defendants and requested that they join in Plaintiff's request for an early Rule 16 conference, but counsel for Defendants indicated that they oppose the relief requested.

/s/ Christian G. Kiely
Christian G. Kiely

CERTIFICATE OF SERVICE

I, Christian G. Kiely, hereby certify that this document will be served by email on counsel for Defendants, Elizabeth McNamara, Esq. and Rachel Strom, Esq, who have indicated they represent Defendants but have not yet entered notices of appearance in this case.

Dated: February 28, 2022

/s/ Christian G. Kiely
Christian G. Kiely